

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PAULA MURPHY,

Plaintiff,

v.

Case No. 1:21-cv-04447-SCJ

EAGLE EYE PROTECTION, INC., and
LACY E. WRIGHT, III, an individual,

Defendants.

/

**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

Defendants, Eagle Eye Protection, Inc. and Lacy E. Wright, III, (collectively, “Defendants”), through undersigned counsel and pursuant to Federal Rules of Civil Procedure 8 and 12, answer the Complaint (Doc. 1) filed by Plaintiff, Paula Murphy (“Plaintiff”), and assert defenses and affirmative defenses as follows:

INTRODUCTION

1. Defendants admit Plaintiff worked as a security guard but denies all other allegations in Paragraph 1 of the Complaint.

2. Defendants admit that Plaintiff brought this action under the Fair Labor Standards Act but denies all other allegations in Paragraph 2 of the Complaint.

JURISDICTION AND VENUE

3. Defendants admit jurisdiction that jurisdiction is proper but otherwise deny the allegations set forth in Paragraph 2 of the Complaint.
4. Defendants admit that venue is proper but otherwise deny the allegations set forth in Paragraph 3 of the Complaint.

PARTIES

Defendant Eagle Eye Protection, Inc.

5. Defendants admit the allegations in Paragraph 4 of the Complaint.
6. Defendants admit they are covered by the FLSA but otherwise deny the allegations in Paragraph 5 of the Complaint.
7. Defendants admit the allegations in Paragraph 6 of the Complaint.
8. Defendants admit the allegations in Paragraph 7 of the Complaint.
9. Defendants admit they are covered by the FLSA but otherwise deny the allegations in Paragraph 8 of the Complaint.
10. Defendants deny the allegations in Paragraph 9 of the Complaint.

Defendant Lacy Wright

11. Defendants admit the allegations in Paragraph 10 of the Complaint.
12. Defendants admit the allegations in Paragraph 11 of the Complaint.
13. Defendants admit the allegations in Paragraph 12 of the Complaint.
14. Defendants admit the allegations in Paragraph 13 of the Complaint.
15. Defendants deny the allegations in Paragraph 14 of the Complaint.
16. Defendants deny the allegations in Paragraph 15 of the Complaint.

Plaintiff Paula Murphy

17. Defendants are without knowledge and therefore deny the allegations in Paragraph 16 of the Complaint.
18. Defendants deny the allegations in Paragraph 17 of the Complaint.
19. Defendants deny the allegations in Paragraph 18 of the Complaint.
20. Defendants deny the allegations in Paragraph 19 of the Complaint.
21. Defendants deny the allegations in Paragraph 20 of the Complaint.
22. Defendants deny the allegations in Paragraph 21 of the Complaint.
23. Defendants deny the allegations in Paragraph 22 of the Complaint.
24. Defendants deny the allegations in Paragraph 23 of the Complaint.
25. Defendants deny the allegations in Paragraph 24 of the Complaint.

LEGAL CLAIMS

As And For A First Cause of Action:

FAIR LABOR STANDARDS ACT (FLSA) VIOLATIONS

26. Defendants adopt and re-affirm the responses set forth in paragraphs above as though fully set forth herein.
27. Defendants deny the allegations in Paragraph 26 of the Complaint.
28. Defendants deny the allegations in Paragraph 27 of the Complaint.
29. Defendants deny the allegations in Paragraph 28 of the Complaint.
30. Defendants deny the allegations in Paragraph 29 of the Complaint.
31. Defendants deny the allegations in Paragraph 30 of the Complaint.
32. Defendants admit the allegations in Paragraph 31 of the Complaint.
33. Defendants are without knowledge and therefore deny the allegations in Paragraph 32 of the Complaint.
34. Defendants deny the allegations in Paragraph 33 of the Complaint.
35. Defendants deny the allegations in Paragraph 34 of the Complaint.
36. Defendants deny the allegations in Paragraph 35 of the Complaint.
37. Defendants deny the allegations in Paragraph 36 of the Complaint.
38. Defendants deny the allegations in Paragraph 37 of the Complaint.
39. Defendants deny the allegations in Paragraph 38 of the Complaint.

40. Defendants deny the allegations in Paragraph 39 of the Complaint.

PRAYER FOR RELIEF

In response to the unenumerated WHEREFORE paragraph including subsections A-E, Defendant denies the allegations and further denies plaintiff is entitled to any relief sought.

JURY DEMAND

Defendant denies that there will claims to be tried by a jury.

GENERAL DENIAL

All allegations in the Complaint not expressly admitted are denied.

FIRST DEFENSE

Plaintiff's claims are barred because she was exempt from the overtime requirements of the FLSA as an independent contractor.

SECOND DEFENSE

Plaintiff's claims are barred because Plaintiff was paid all wages due.

SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, as Defendants at all times acted in good faith.

THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff did not work the hours claimed.

FOURTH DEFENSE

To the extent Plaintiff is entitled to damages, Defendant is entitled to a credit or set off against amounts overpaid in the course of their employment.

FIFTH DEFENSE

Because Plaintiff's Complaint is phrased in vague and conclusory terms, Defendants cannot fully anticipate all defenses which may be applicable to this action. Accordingly, the right to assert additional defenses, to the extent such defenses are applicable, is hereby reserved.

Dated this 3rd day of February, 2022.

Respectfully submitted,
SPIRE LAW, LLC
2572 W. State Road 426, Suite 2088
Oviedo, Florida 32765

By: /s/ Whitney M. DuPree
Whitney M. DuPree, Esq.
Georgia Bar No. 880909
whitney@spirelawfirm.com
sarah@spirelawfirm.com
Attorney for Defendants | Eagle Eye Protection, Inc. and Lacy E. Wright

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Whitney DuPree
Attorney